

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiff,

v.

ROLDAN,

Defendant.

Case No. [08-cr-00744-JF-1](#) (VC)

**ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS**

The defendant's petition for a writ of mandamus is denied. The Child Citizenship Act does not apply to individuals who were 18 years of age or older on February 27, 2001. 8 U.S.C. § 1431; 8 C.F.R. § 320.2(a). The birth certificate provided by the defendant shows that he was over 18 on this date. The relevant law that was in effect before this date was section 321 of the Immigration and Nationality Act. That provision required the following criteria to be met for a child born outside of the United States to be deemed a citizen: (1) both parents were naturalized while the child was under 18 (only one parent had to be naturalized if one parent had passed away, the parents had separated, or the child was born to unmarried parents); and (2) the child was residing in the United States "pursuant to a lawful admission for permanent residence" when the parent(s) naturalized or the child began to reside permanently in the United States afterward. Chapter 4 – Automatic Acquisition of Citizenship after Birth (INA 320), USCIS Policy Manual (Aug. 23, 2017), <http://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartH-Chapter4.html> [<http://perma.cc/UTB8-5B97>]. The defendant has not provided evidence that these requirements were met. Therefore, the petition is denied.

**IT IS SO ORDERED.**

Dated: February 12, 2018

A handwritten signature in dark ink, appearing to read 'V. Chhabria', is positioned above a horizontal line.

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VINCE CHHABRIA  
United States District Judge